

REMARKS**I. General**

Claims 1-45 are pending in the present application and stand rejected under 35 U.S.C. § 102. Applicant respectfully traverses the outstanding claim rejections, and requests reconsideration and withdrawal thereof in light of the remarks presented herein.

II. Rejections under 35 U.S.C. § 102(b) over *Nokia*

Claims 1-45 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Patent Cooperation Treaty international application publication number WO 96/37974 to Nokia (hereinafter “*Nokia*”). Applicant respectfully traverses the rejections of record.

It is well settled that to anticipate a claim, the reference must teach every element of the claim, see M.P.E.P. § 2131. Moreover, in order for a prior art reference to be anticipatory under 35 U.S.C. § 102 with respect to a claim, “[t]he elements must be arranged as required by the claim,” see M.P.E.P. § 2131, citing *In re Bond*, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990). Furthermore, in order for a prior art reference to be anticipatory under 35 U.S.C. § 102 with respect to a claim, “[t]he identical invention must be shown in as complete detail as is contained in the . . . claim,” see M.P.E.P. § 2131, citing *Richardson v. Suzuki Motor Co.*, 9 U.S.P.Q.2d 1913 (Fed. Cir. 1989). Applicant respectfully asserts that the rejections of record do not satisfy these requirements.

A. Independent Claims 1, 20, and 35

Nokia fails to teach each of the elements of independent claims 1, 20, and 35. For instance, independent claim 1 recites “said plurality of transmit signals combine in free space to form a plurality of variable size beams in a radiation pattern,” (emphasis added). Similarly, independent claim 20 recites “providing a plurality of variable size beams in a radiation pattern,” (emphasis added). Likewise, claim 35 recites “providing a plurality of variable size beams in a radiation pattern,” (emphasis added). In contrast to the present claims, *Nokia* expressly teaches that the “antenna beams used are constant and their directions cannot be changed,” page 31, lines 27-28. There is no hint or suggestion of providing variable antenna beams in the disclosure of *Nokia*. Accordingly, *Nokia* does not anticipate claims 1, 20, and 35, or the claims dependent therefrom, under 35 U.S.C. § 102.

Additionally, claim 1 recites a transmitter system comprising “means for selectively providing select ones of said modulation transmitter output signal components to one or more of said transmit signals, wherein said selectively providing means includes a plurality of independently operable switching means, wherein each of said plurality of independently operable switching means is assigned to a particular channel of said plurality of channels” (emphasis added). Accordingly, claim 1 defines a transmitter system having a plurality of channels, wherein each of said plurality of independently operable switching means is assigned to a particular channel of said plurality of channels.

The disclosure of *Nokia*, as relied upon in the rejection of record, does not meet at least the above identified aspects of claim 1. The rejection of record relies upon channel elements 738, 740, and 742 as teaching the recited independently operable switching means. However, the channel element in *Nokia* discloses only an encoder (614) and a modulator (642) in the transmit path, see Figure 8. Channel elements 738, 740, and 742 of *Nokia* do not show independently operable switching means, each assigned to a particular channel, in the receive path. As claim 1 expressly recites “means for selectively providing . . . modulation transmitter output signal components to one or more of said transmit signals, wherein said selectively providing means includes a plurality of independent operable switching means [which are each] assigned to a particular channel,” the rejection of record has not shown that *Nokia* meets the claimed limitations. Therefore, Applicant respectfully asserts that claim 1 is patentable over the 35 U.S.C. § 102 rejection of record.

Moreover, in rejecting the aspect of claim 1 reciting “means for splitting each of said plurality of modulation transmitter outputs into signal components,” the rejection of record relies upon blocks 764, 766, and 768, and figure 8 of *Nokia*. However, blocks 764, 766, and 768 comprise radio frequency parts that perform the function of amplifying the K signals that are the output of the D/A converters, see page 35, lines 26-30. Further, figure 8 represents a channel element which contains a searcher unit, demodulating means, a diversity combiner, and a decoder. Accordingly, there is nothing in the portion of *Nokia* relied upon in rejecting this aspect of claim 1 which teaches means for splitting each of said plurality of modulation transmitter outputs into signal components. Applicant respectfully asserts that claim 1 is therefore patentable over the 35 U.S.C. § 102 rejection of record.

Independent claim 20 recites a receiver system comprising “a switch bank for selectively providing signal components of select ones of said plurality of receive signals to one or more of said plurality of demodulation inputs, wherein said switch bank includes a plurality of independently operable switching circuits, wherein each of said plurality of independently operable switching circuits is assigned to a different channel of said plurality of CDMA channels” (emphasis added). As with claim 1 discussed above, the rejection of record relies upon channel elements 738, 740, and 742 of *Nokia* to meet the recited independently operable switching circuits assigned to different channels. However, the receive path of the *Nokia* channel elements includes only a searcher, demodulators, a diversity combiner, a multiplexer, and a decoder, see page 33, lines 1-12, and Figure 8. There is no disclosure in the relied upon portion of *Nokia* to meet the above identified aspect of the claim. Therefore, Applicant respectfully asserts that claim 20 is patentable over the 35 U.S.C. § 102 rejection of record.

Independent claim 35, recites “a plurality of independently operable input switching circuits each assigned to a different one of said CDMA channels” with respect to the receive path and “a plurality of independently operable output switching circuits each assigned to a different one of said CDMA channels” with respect to the transmit path. As with the rejections of claims 1 and 20, the rejection of record relies upon the channel elements of *Nokia* to meet the claim. However, as discussed in detail above, the channel elements of *Nokia* neither show the requisite switching circuits in the receive path nor the transmit path. Therefore, Applicant respectfully asserts that claim 35 is patentable over the 35 U.S.C. § 102 rejection of record.

As shown above, the rejections of record fail to teach at least the above elements of these independent claims. Accordingly, Applicants respectfully request withdrawal of the 35 U.S.C. § 102 rejections of claims 1, 20, and 35, as well as the claims dependent therefrom.

B. Dependent Claims 2-19, 21-34, and 36-45

Each of dependent claims 2-19, 21-34, and 36-45 depend either directly or indirectly from their respective independent claims 1, 20, and 35, and thus inherit all limitations of the respective independent claim from which they depend. As shown above, claims 1, 20, and 35 are patentable over the rejections of record. It is respectfully submitted that the dependent

claims are allowable at least for the reasons set forth above with respect to the independent claims.

III. Conclusion

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 06-2380, under Order No. 65948/P019CP1/09901497 from which the undersigned is authorized to draw.

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Respectfully submitted,

By R. Ross, V.W.
R. Ross Viguet
Registration No.: 42,203
FULBRIGHT & JAWORSKI L.L.P.
2200 Ross Avenue, Suite 2800
Dallas, Texas 75201-2784
(214) 855-8000
(214) 855-8200 (Fax)
Attorney for Applicant